

## REMARKS

### Claim Rejections § 102

#### A. Carpenter, et al.

Claims 63-66 were rejected under 35 U.S.C. § 102(e) as being anticipated by Carpenter. Claims 65-66, and new claim 67 each call for radially overlapping windings formed of a strand of resilient wire. Carpenter does not disclose radially overlapping windings formed of a strand of resilient wire.

Furthermore, the Board has already considered the issue of what does not fall within the definition of wire. Appeal No. 2001-1407, p. 6, *See also*, Paper No. 37, p. 5. Specifically, lengths of flat spring material do not fall within the definition of wire. *Id.* Accordingly, it is respectfully submitted that the Examiner is estopped from asserting that the Carpenter reference discloses windings formed of a strand of resilient wire.

#### B. Lazarus and Elliott

Claim 65 was rejected under 35 U.S.C. § 102(b) as being anticipated by Lazarus and Elliott. As amended, claim 65 calls for a tubular graft having a pair of free ends and a first diameter, and a ring comprising a bundle of radially overlapping windings formed of a strand of resilient wire, said windings connected together, and when undeformed the diameter of the bundle of windings defines the diameter of the ring, the undeformed diameter of the ring greater than the first diameter of the graft, the ring secured to the graft adjacent one of the free ends.

At a minimum, Lazarus fails to disclose a bundle of windings having a diameter that defines the diameter of a ring. For example, in the Office Action, it is asserted that the spring attachment means 131 of Lazarus is the ring as claimed. Further, it is asserted that any one of Lazarus' helical coil springs 136 are the bundle of overlapping wires as claimed. Clearly, the diameter of the helical coil springs 136 do not define or even come close to defining the diameter of the spring attachment means 131. Moreover, the coil springs 136 alone are not the claimed ring as their diameter is less than that of the graft 121. Accordingly, Lazarus does not anticipate claim 65. Likewise, Elliott does not anticipate claim 65. Clearly, the diameter of the eyelet 22 does not define the diameter of the split ring 12 and is less than the diameter of the vein. Thus, for at least these reasons, claim 65 is believed to be patentable.

Miscellaneous

Per the Examiner's request, a list of all co-pending applications is provided below. As Examiner Prebilib is the Examiner for the 10/118,409 and 10/124,994 applications, current claims have not been included herewith. However the 10/832,159 application is newly filed and has not yet been assigned to an examiner. Thus, claims from the newly filed application are attached as an Appendix. Additionally, application No. 09/365,860 has recently issued as Patent No. 6,740,111.

1. Serial No. 10/118,409, filed April 8, 2002 (VAS.0002C2US), which is a continuation of the present application (08/878,908).
2. Serial No. 10/124,994, filed April 18, 2002 (VAS.0002D1US), which is a divisional of the present application.
3. Serial No. 10/832,159, filed April 26, 2004 (VAS.0002D2), which is a divisional of application no. 09/365,860, Patent No. 6,740,111; which is a continuation of the present application.

CONCLUSION

In accordance with the amendments and remarks herein, the application is believed to be in condition for allowance. The Examiner's furtherance toward this end is kindly requested.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (VAS.0002D1US).

Respectfully submitted,

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## APPENDIX

**Claims for the Application filed April 26, 2004 (10/832,159), which is a divisional of Application No. 09/365,860 filed August 3, 1999:**

Claims 1-5 (Canceled)

6. The device of claim 52 further including a pair of elements, said elements connected by a tubular graft.

7. The device of claim 52 further including a tubular graft, said element being connected to one end of said tubular graft, said tubular graft having a first diameter proximate to said connection to said element and a second diameter spaced away from said element, said first diameter being greater than said second diameter.

8. The device of claim 7 wherein said graft is formed from fabric.

9. The device of claim 7 wherein said tubular graft is a fabric graft, said element connected to said fabric graft at only one end of said fabric graft.

Claim 10 (Canceled)

11. The device of claim 52 further including a bifurcated graft connected to said element, said bifurcated graft including a first tubular section connected to said element and a pair of tubular sections connected to said first tubular section, each of said pair of tubular sections having free ends.

Claims 12-46 (Canceled)

47. A prosthetic device comprising;  
a prosthetic heart valve;  
a flexible tubular graft having a first end connectable to said valve and a second end; and  
a deformable, resilient annular ring connected to said second end and arranged to connect said graft to the interior surface of a portion of the ascending aorta.

48. A prosthesis for insertion into a body passage comprising at least two annular resilient elements and a flexible tubular graft attached to each of said elements and a rigid member longitudinally connected said element, said member being less flexible than said graft.

49. The prosthesis of claim 48 wherein said member is a wire connected to said elements.

Claims 50-51 (Canceled)

52. A prosthetic device comprising:  
an annular, resilient element formed by overlapping a plurality of windings of wire radially on top of one another around a common core, said windings connected to form a bundle; and  
a graft connected to said element.

53. The device of claim 52 wherein said element is folded along a single diametric axis to adopt a C-shaped configuration.

54. The device of claim 6 further including a second prosthesis comprising a second annular, resilient element formed by overlapping a plurality of windings of wire radially on top of one another around a common core, said windings connected to form a bundle, said second element connected to one end of a second tubular graft, said annular resilient element and graft telescopically engageable with said second prosthesis.

55. The device of claim 54 wherein said pair of elements are connected by a wire, said wire extending along the length of said tubular graft.

56. The device of claim 11 further including a pair of annular elements connected to the free ends of said tubular sections.

57. The device of claim 11 further including a second and a third prosthesis, said second and third prostheses each comprising an annular, resilient element formed by overlapping a plurality of windings of wire radially on top of one another around a common core, said windings connected to form a bundle, said element connected to a graft, each of said second and third prostheses telescopically engageable with one of said pair of tubular sections.

58. The device of claim 57 further including a fourth prosthesis, said fourth prosthesis comprising a fourth annular, resilient element formed by overlapping a plurality of windings of wire radially on top of one another around a common core, said windings connected to form a bundle, said fourth element connected to a fourth graft, said annular resilient element and graft telescopically engageable with said fourth prosthesis.

59. The prosthetic device of claim 47 wherein said deformable, resilient annular ring is formed by overlapping a plurality of windings of wire radially on top of one another around a common core, said windings connected to form a bundle.

60. The prosthesis of claim 48 wherein said annular resilient elements are formed by overlapping a plurality of windings of wire radially on top of one another around a common core, said windings connected to form a bundle.